

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ATSUSHI OOHASHI and SHOICHIRO NISHITANI

Appeal 2007-0029
Application 09/888,656
Technology Center 2800

Decided: March 12, 2007

Before JAMES D. THOMAS, KENNETH W. HAIRSTON, and JEAN R. HOMERE, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134, Appellants have appealed to the Board from the Examiner's Final Rejection of claims 1 through 5. As best representative of the disclosed as well as claimed invention, independent claim 1 is reproduced below:

1. A stator for a dynamo-electric machine comprising;
a stator core having a plurality of slots; and
a stator winding installed in said slots, said stator winding comprising
a plurality of conductors including end portions joined to each other by a
metal to form joint portions, wherein said metal is interposed between said
end portions of said conductors and has a melting point which is lower than
a melting point of said conductors.

The following references are relied on by the Examiner:

Aversten	US 2,711,798	Jun. 28, 1955
Baines	US 4,705,972	Nov. 10, 1987
Seki	US 5,698,929	Dec. 16, 1997
Kusase	US 6,181,043 B1	Jan. 30, 2001

Claims 1 through 5 stand rejected under 35 U.S.C. § 103. As evidence of obviousness as to independent claim 1, the Examiner relies upon Kusase in view of Aversten. To this initial combination of references, the Examiner adds Baines as to claim 2, separately adds Seki to this latter combination as to claims 4 and 5 and, lastly, further adds ordinary skill in the art as to claim 3.

Rather than repeat the positions of the Appellants and the Examiner, reference is made to the Brief and Reply Brief for Appellants' positions, and to the Answer for the Examiner's positions.

OPINION

We affirm.

Appellants' disclosed figures 9 and 10 represent prior art approaches to the claimed stator arrangement. In accordance with Appellants'

representation in the Summary of the claimed Invention at page 6 of the principal Brief on appeal, the discussion of the first embodiment in figure 1 of the disclosed invention at page 8 of the Specification as filed indicates that “[o]ther constructions are roughly similar to the conventional art.” Thus, substantially all of the subject matter of independent claim 1 on appeal is a part of the admitted prior art except for the feature of “wherein said metal is interposed between said end portions of said conductors and has a melting point which is lower than a melting point of said conductors.”

Correspondingly, Kusase’s initial figures show a construction similar to Appellants’ disclosed admitted prior art. Appellants’ admitted prior art also utilizes Tungsten inert gas (TIG) welding as does Kusase in embodiments 1 through 4 and figures 1 through 12. The Examiner essentially relies upon the showings in figures 13 through 21 beginning with the fifth embodiment in the discussion at the bottom of column 5 through the end of this patent. Kusase teaches and shows the use of solder to otherwise affix the end portions 33d of conductor segments 33. It is not disputed that the solder taught beginning with the embodiment associated with figure 13 comprises a metal that has a melting point lower than the melting point of the respective conductors.

We sustain this rejection because the language actually utilized in the wherein clause quoted earlier in this opinion does not distinguish over the artisan’s consideration of all the teachings and showings in Kusase. The language “interposed between” does not require that the interposed metal be completely separating the end portions or otherwise completely interposed between in a manner consistent with the disclosed insert metal 33f in

Appellants' Specification figure 1, for example. Column 6, lines 10 and 11 of Kusase state that the “[m]elted solder 430 forms into the shape shown in Fig.13 by its capillary attraction.” Additionally, the teaching at column 6, lines 39 through 41 states that the “cross-section of conductor segments 33 can be circular, elliptic or polygonal.” Because of the earlier teaching of the capillary action of the solder 430 in Kusase, it is clear to us that the artisan would appreciate that the solder metal would be generally interposed between the end portions of the conductor segments 33 in the manner broadly recited at the end of independent claim 1 on appeal.

It is thus seen that the teachings and showings of Kusase alone would have rendered obvious the subject matter of representative independent claim 1 on appeal. Aversten merely confirms and expands upon the teaching value of Kusase. The so-called solder paste or the like as taught at column 1, lines 52 through 55 of Aversten is initially taught to actually join two adjacent member as initially discussed at column 2, beginning at line 22. In accordance with the teachings relied upon by the Examiner at column 2, lines 60 through 68, the placement of such solder material between two connecting metal elements would yield “interposed melted metal or metal alloy such as weld bronze or silver solder or the like” as indicated at lines 63 and 64 of Aversten. The noted teachings relied upon by the Examiner go on to explain that such solder material has a lower melting point than the metallic members, a feature not disputed in this appeal.

With the above understanding in mind of the teaching value of Kusase alone, notwithstanding the confirming, cumulative teachings of Aversten, we do not agree with appellants' argument that Kusase teaches

away from the argued claimed features and would essentially change the basic operation of that reference. To the extent actually claimed in independent claim 1 on appeal, the artisan clearly would not have been discouraged at the time of the present invention from following the path set out in that reference or in the manner in which Appellants achieved their invention. These unpersuasive arguments are essentially repeated in the Reply Brief.

Therefore, we sustain the rejection of independent claim 1 on appeal. Since Appellants have not presented arguments to us in the Briefs as to dependent claims 2 through 5, the rejections of them are sustained as well. Accordingly, the decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR §1.136(a). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

PGC

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